

REMARKS

The Office Action mailed December 28, 2005, has been reviewed and the Examiner's comments carefully considered. The allowance of claims 7-12 and 14-25 is noted with appreciation. Claims 1, 7-12 and 14-25 remain pending. Reconsideration of the present application is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. U.S. 6,301,977 ("Stojanovski") in view of U.S. Patent No. 6,729,429 ("Jitsui"). The rejection should be withdrawn because Stojanovski and Jitsui (alone or in combination) do not teach, disclose or suggest each and every limitation of the claimed invention.

First, the Examiner admits that Stojanovski does not disclose, teach or suggest a method for attaching a seat belt tension sensor by adapting the opening in the first portion of the seat belt tension sensor to be "sufficiently wider" than the opening of the carriage so that the webbing is prevented from contacting a side of the opening in the first portion of the seat belt tension sensor as claimed in claim 1. Moreover, Jitsui fails to cure the deficiencies of Stojanovski. Specifically, Jitsui does not disclose adapting an opening in a first portion of a seat belt tension sensor to be sufficiently wider than an opening of a carriage as claimed in claim 1.

Instead, Jitsui discloses a tensile force detector having an "elastic plate 12" and a "protecting plate 13." (*See* Col. 2, lines 60-62.) The Examiner seems to suggest that the protecting plate 13 corresponds to the claimed first portion and the elastic plate 12 corresponds to the claimed carriage. The claimed first portion has an opening "sufficiently wider than an opening of the carriage." The protecting plate 13 does not include such an opening. Jitsui teaches that the protecting plate 13 and the elastic plate 12 have multiple slits. The elastic plate has a pair of slits 12a formed at both ends. (*See* Col. 3, line 4.) In addition, the protecting plate has a pair of slits 13a formed at both ends. (*See* Col. 3, lines 19-20.)

Jitsui discloses that the distance between each slit 13a on the protecting plate is larger than the distance between each slit 12a on the elastic plate, and not “adapting the opening in the first portion of the seat belt tension sensor to be sufficiently wider than the opening of the carriage” as called for in claim 1. Thus, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Furthermore, the rejection is defective because Jitsui teaches away from the claimed invention and therefore, there is no motivation to modify Stojanovski in view of Jitsui. Specifically, the apparatus taught by Jitsui is designed so that when a tensile force in excess of a predetermined amount is applied upon the force detector, the elastic plate 12 breaks and the tensile force is applied to the protecting plate 13. (Col. 3, lines 33-36.) In sum, Jitsui is designed so that the belt 14 comes into contact with the slits 13a of the protecting plate 13 when a tensile force in excess of a predetermined amount is applied upon the force detector.

In contrast, as claimed in claim 1, the claimed invention prevents “webbing from generating a non-negligible force over a measurement range as a result of rubbing against a lateral side of said opening in said first portion of the seat belt tension by constraining a width of a portion of the webbing to be narrower than a width of the opening in the first portion of the seat belt tension sensor by adapting the opening in the first portion of the seat belt tension sensor to be sufficiently wider than the opening of the carriage so that the webbing is prevented from contacting a side of the opening in the first portion of the seat belt tension sensor.” Thus, the claimed invention prevents webbing from contacting a side of the opening in the first portion of the seat belt tension sensor. Accordingly, because Jitsui teaches away from the claimed invention, the person of ordinary skill in the art would not have been motivated to combine Stojanovski with Jitsui. Therefore, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Conclusion

The present application is now believed to be in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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